

AO106 (Rev. 12/03) Affidavit for Search Warrant

UNITED STATES DISTRICT COURT

DISTRICT OF

In the Matter of the Search of

(Name, address or brief description of person, property or premises to be searched)

APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number: 06- 84M

REDACTED

I, William David being duly sworn depose and say:

I am a(n) Deputy U.S. Marshal and have reason to believe

Official Title

that ☐ on the person of or ☒ on the property or premises known as (name, description and/or location)

in the _____ District of Delaware

there is now concealed a certain person or property, namely (describe the person or property to be seized)

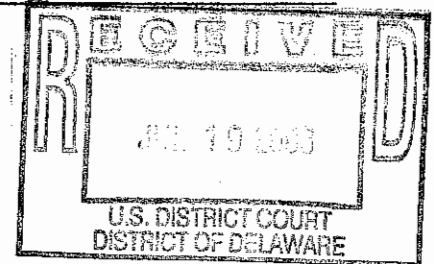
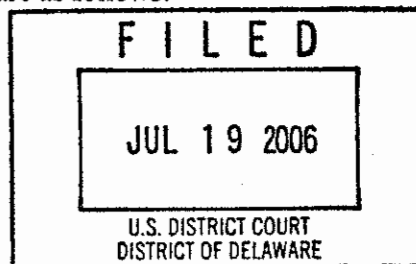
Firearms and Ammunition

which is (state one or more bases for search and seizure set forth under Rule 41(b) of the Federal Rules of Criminal Procedure)

evidence, fruits and/or instrumentalities of a crime

concerning a violation of Title 18 United States code, Section(s) 876(c)

The facts to support a finding of probable cause are as follows:



BS

Continued on the attached sheet and made a part hereof:

☒ Yes ☐ No

William David
Signature of Affiant

Sworn to before me and subscribed in my presence,

July 13, 2006

Date

at Wilmington, Delaware

City

State

Hon. Joseph J. Farnan, Jr.

U.S. District Judge

Name of Judge

Title of Judge

Joseph J. Farnan, Jr.
Signature of Judge

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

1. I, William David, have been a Deputy United States Marshal with the United States Marshals Service for over ten (10) years. I am currently assigned to the United States Marshals Service Office in Wilmington, Delaware. My responsibilities as a Deputy United States Marshal include the apprehension of fugitives and the protection of the Federal Judiciary. This affidavit is based upon my personal knowledge and information provided to me by other law enforcement entities.

2. This affidavit is made in support of a search warrant for [REDACTED] Delaware for evidence of a violation of 18 U.S.C. § 876(c), specifically firearms and ammunition.

3. I attach hereto and incorporate by reference my affidavit in support of a criminal complaint issued by this Court on July 13, 2006, against Steven David Humes. In that criminal complaint, I detailed how Humes mailed a threat via the Postal Service against another person in violation of 18 U.S.C. § 876(c). As I stated in the attached criminal complaint, Humes stated that if he did not receive what he considered to be justice, he would effect an armed "arrest" of the threatened persons.

4. Pursuant to an arrest warrant issued July 13, 2006, law enforcement effected Humes' arrest at [REDACTED]. During a security sweep of the residence, law enforcement observed in plain view, a cardboard box for a Baretta ES100 shotgun, two boxes of ammunition for a .12gauge shotgun, and a soft gun case leaning against a wall that from its appearance indicates the presence of a firearm. This indicates that Humes is indeed armed as he represented he was in his threatening communication and that his threat was serious.

5. Based upon this investigation and my training and experience, I believe that a search of [REDACTED] will result in the seizure of firearms and ammunition pertaining to the criminal involvement of Steven David Humes in a violation of 18 U.S.C. § 876(c).

AQ 91 (Rev. 12/93) Criminal Complaint ☒

United States District Court

DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

STEVEN DAVID HUMES

(Name and Address of Defendant)

SEALED UNSEALED
7/13/06
KJK

Criminal Complaint

06-83M

I, the undersigned complainant, being duly sworn, state the following is true and correct to the best of my knowledge and belief. On or about July 10, 2006 in New Castle County, in the District of Delaware defendant, Steven David Humes (Track Statutory Language of Offense) Knowingly mailing, through the United States Postal Service, a threat to another person.

in violation of Title 18 United States Code, Section(s) 876(c).

I further state that I am a(n) Deputy United States Marshal and that this complaint is based on the following facts:
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SEE ATTACHED AFFIDAVIT

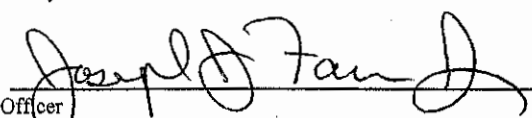
Continued on the attached sheet and made a part hereof: YES


Signature of Complainant

Sworn to before me and subscribed in my presence,

July 13, 2006 at Wilmington, DE
Date City and State

Honorable Joseph J. Farnan, Jr.
United States District Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

1. I, William David, have been a Deputy United States Marshal with the United States Marshals Service for over ten (10) years. I am currently assigned to the United States Marshals Service Office in Wilmington, Delaware. My responsibilities as a Deputy United States Marshal include the apprehension of fugitives and the protection of the Federal Judiciary. This affidavit is based upon my personal knowledge and information provided to me by other law enforcement entities.

2. This affidavit is made in support of a criminal complaint alleging that on July 10, 2006, Steven David Humes violated 18 U.S.C. § 876(c) by knowingly mailing a threat against another person.

3. Humes is a party to Civil Action No. 06-59 KAJ, a case now pending in the United States District Court for the District of Delaware. Humes' lawsuit purports to allege that certain Delaware officials, including [REDACTED] engaged in misconduct during a criminal investigation, prosecution, and trial of Humes by Delaware.

4. Humes' suit also brought claims against the Federal Bureau of Investigation for its purported failure to investigate the violation of his rights by [REDACTED] and others. On May 30, 2006, the FBI, through its counsel, the United States Attorney for the District of Delaware, moved to dismiss the FBI from Civil Action No. 06-59 KAJ.

5. On July 11, 2006, Humes caused a responsive brief (the "Brief") to be filed in the United States District Court for the District of Delaware. On July 10, 2006, in compliance with the Federal Rules of Civil Procedure, Humes also mailed a copy of the Brief, using the United States Postal Service, to the United States Attorney for the District of Delaware. The United States Attorney's Office received the Brief on July 12, 2006.

6. The Brief contained, among other things, the following statements:

I will not allow any organization to crap all over the constitution and call me criminal because they don't have the decency, the humanity to respect the written laws.

If the F.B.I. or responsible authorities do not perform their duty to investigate and then arrest these individuals then I will. The constitution is clear that I have a right to protection of the laws and the right to self arrest if necessary. If this court and the Federal authorities allow justice to be delivered to whom they wish to protect based on their argument; **then please tell them to stand aside and watch me deliver my own justice in accord with the laws and constitution as if it were 1899.** I will proceed under protection of the laws and the constitution and make these arrests myself and any attempt to stop me will be a felony and against my constitution rights (emphasis added).

7. Attached to the Brief is a letter to the Attorney General of the United States. In that letter, Humes states that he intends to "arrest" [REDACTED] Humes goes on to say:

It is my position that the arrests as detailed in the attached "Sworn Statements" are going to occur and that these prosecutions will also occur. **I intend to carry them out myself if the authorities refuse.** The constitution supports an individual's right to perform arrests and to the protections of the laws, to self prosecute if necessary. If the State or Federal authorities do not bring these charges, or at least bring them before a grand jury, and then perform these arrests within 15 days of receipt of this letter, **I will immediately precede in an armed and legal way to make these arrests myself, just like in the early 1900s, when guns were necessary to enforce equal justice.**

As crazy as this all sounds, my actions are not unjustified or suicide by the police. They are the result of thoughtful consideration. If the authorities are allowed to pick and choose what laws to enforce, what alleged crimes to investigate, and what people to protect, then no American without political influence or monetary power is backed by the constitution or protected by the laws. Without the constitution to protect our liberties and rights then we are not really Americans. **If I am to sacrifice myself, possibly my life,** then it should be called what it truly is. I am defending the constitution and its true meaning of liberty and justice for all.

I have two small children that deserve to have a good father but I would be less than a man and father without honor if I choose to back away from my convictions and allow these criminal authorities to make me less than the American I was born. (emphasis added).

8. Humes also attached a "Notice to Authorities" which said in part:

**** THE FIRST ARREST WAS A FALSE ARREST. ANY ATTEMPT AT A SECOND WILL BE AN ARMED ASSAULT AND I WILL DEFEND MYSELF WITH EVERYTHING I HAVE. * ***

The attempted harassment by the Delaware courts sending armed Capitol Police to my house to intimidate me will not be tolerated.

**** ANY FURTHER ATTEMPTS TO THREATEN, HARASS, OR INTIMIDATE ME BY ARMED PEOPLE WILL BE MET WITH AN APPROPRIATE RESPONSE. ****

I have no intention of backing down from my constitutional rights and the evidence to support my claims is undeniable! My constitutional rights allow me to carry arms, to the protections of the written laws, and to defend myself.

The only way this matter will be resolved is through the enforcement of the laws either by you, or by me. You will both do your jobs and defend the written laws fairly or I will do it

for you.

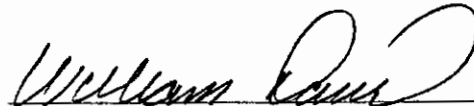
It's not true "THAT YOU CAN'T FIGHT CITY HALL". **You simply need to be willing to die to do so.**

I really didn't want this confrontation and have exercised every possible alternative. However, it is against the law to convict a person who is innocent simply to protect against legal actions. Yet that is what happened (emphasis in bold added).

9. Section 876(c) of Title 18 states in relevant part:

Whoever knowingly so deposits [in any post office] or causes to be delivered [by the Postal Service], any communication . . . , addressed to any other person and containing . . . any threat to injure the person of the addressee or of another, shall be fined under this title or imprisoned not more than five years, or both.

10. Based on the foregoing, your affiant believes that there is probable cause that Humes violated Section 876 by knowingly using the United States Postal Service to deliver a communication containing a threat to injure [REDACTED]



William David
Deputy United States Marshal

Subscribed and sworn to before me on
this the 13th day of July 2006.



Honorable Joseph J. Farnan, Jr.
United States District Judge